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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,922

09/28/2005

Aristidis Makris

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EXAMINER

SUTTON, ANDREW W

ART UNIT

PAPER NUMBER

3765

MAIL DATE

DELIVERY MODE

06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,922	Applicant(s) MAKRIS ET AL.	
	Examiner ANDREW W. SUTTON	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 152-173 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 152-173 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/2/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The items lined through of the IDS filed 4/2/09 appear to have an error in the document number as the documents could not be found.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 152-173 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant states the use of "high" tensile strength fabric but fails to describe what range is defined by the term high, thus making the claim indefinite. As to claim 165, the applicant claims a test standard that is not defined and thus makes the claim indefinite. As to claims 171 and 173, the claims state the limitation of "said movable member" with the movable member being previously defined. It is unclear to what the applicant is trying to claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 152-155, 157, 158-164, and 158-172 are rejected under 35 U.S.C. 102(b) as being anticipated by Aileo (US 4,847,920). Aileo teaches a helmet 12 with a means for pivotally attaching a visor 18 to allow it to moved to a raised and lowered position and a visor 18 adapted to be mounted on the means, the visor comprising a first layer of transparent material 18 and a helmet shell 12 comprising fiberglass fabric connected to the first layer of the visor 18 with part of the fabric from the shell covering the inside portion of the visor. The part is located outside the viewing area of the visor 18.

As to claim 153, the visor includes a second transparent material 54 covering the viewing area.

As to claim 154, the viewing area is defined by a periphery boundary 48 with the transparent material forming a boundary adjacent to the peripheral boundary 48.

As to claim 155, the second visor 54 is in front of the first visor 18

As to claim 157, the first layer 18 is positioned in front of the fiberglass fabric of the shell.

As to claim 159, the shell 12 (including the fiberglass fabric of the shell) extends over the side portions of the visor as shown in Fig. 1.

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As to claim 160, the shell 12 (including the fiberglass fabric of the shell) extends over the lower portion of the visor as shown in Fig. 2.

As to claim 161, the shell 12 (including the fiberglass fabric of the shell) extends over the upper portion of the visor as shown in Fig. 2.

As to claim 162, the fiberglass fabric from the shell forms a window of the viewing area surrounding the visor.

As to claims 163-164, Aileo teaches the visor 18 being made of polycarbonate.

As to claim 166, the fiberglass would have a generally opaque structure as claimed.

As to claim 167, the fiberglass of the shell is bonded with an epoxy to form a laminate.

As to claim 168, the retaining means 38 is releasable from the mounting means 68.

As to claim 169, the device is capable of accommodating a face mounted visor when worn in the lowered position.

As to claim 170, the device further comprises a locking means 30 and 24 for each the raised and lowered position, the locking means spaced apart from the pivotal axis of the mounting means 68, the locking means 30 is depressible for locking the visor and manually accessible and coupled to the locking member 68.

As to claim 171, the device further includes a stop member 28 mounted below the pivotal axis of the mounting means 68 and secured to the helmet via 30 for

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engaging the visor to resist the rearward movement of the visor in relationship to the shell.

As to claim 172, the stop 32 is some shock absorbing properties, therefore is a shock absorbing material as claimed.

As to claim 173, the stop 32 is in front of the movable member 34.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 156, 158, and 165 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aileo (US 4,847,920). Aileo teaches the use polycarbonate for the visor 18. Aileo does not teach the use of acrylic. It would have been obvious to one of ordinary skill in the art to use acrylic material for the visor as it is commonly used in the helmet art.

As to claim 158, Aileo teaches the use of fiberglass fibers as disclosed above. Aileo does not teach the use of an aramid fabric as claimed. It would have been obvious to one of ordinary skill in the art to use an aramid as the fibers are commonly used in the ballistic art.

As to claim 165, the device is taught substantially above therefore must meet the limitation of the claimed test standard.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW W. SUTTON whose telephone number is (571)272-6093. The examiner can normally be reached on Monday - Thursday 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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7 June 2009

/GARY L. WELCH/

Supervisory Patent Examiner, Art Unit 3765